

**District Court of Kansas
29th Judicial District**

Chambers of
Hon. Kathleen M. Lynch
Judge of the District Court
Division Ten

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Probate and Domestic Dockets

Testimony concerning the Kansas Adoption Protection Act
By Kathleen M. Lynch
District Court Judge Wyandotte County Kansas

Good Morning,

Thank you for this opportunity to speak with you about this legislation. I have the honor of presiding over adoption proceedings in Wyandotte County. In 2017, I presided over 143 adoptions. Those adoptions included couples who came to Kansas from out of state to adopt infants through a private agency, step-parent adoptions and adoptions from the foster care system, Consequently, I was unaware that adoption in the state of Kansas needed protection.

I think a brief lesson on adoption in Kansas might be helpful to all of us. The Kansas Adoption Act begins “who may adopt: any adult, or a married couple jointly.” Some people have presumed that the language a “married couple jointly” was intended to exclude other couples from adopting. Some people have intentionally used the language a “married couple jointly” to attempt to deny same-sex couples the right to adopt. The language was actually intended to support marriage by requiring that both parties of the marriage agree to the adoption. Clearly, the language was intended to be expansive to encourage individuals and couples to provide a loving home to a child.

Before a Judge may approve an adoption, there must be clear and convincing evidence that the adoption is in the best interest of the child. A home study is performed and filed with the court. The court also hears testimony from the prospective adoptive parents. These protections in the Kansas Adoption Act have protected adoptive children since its passage. There are no other protections needed.

Proponents of this bill claim that if it is not passed, religious adoption agencies will go out of business and thus children will not find forever homes. This is simply not true. It may make some people uncomfortable, but adoption is a business. I became aware of this fact because an adoption Judge must also approve all fees paid by the adoptive parents. For example, Catholic Charities website sets out their fees as follows: Application and Intake Fee (non-refundable) \$350.00 per couple. Plus \$75.00 for each additional adult in the household. Adoption fees are set out as follows:

1. Preparation, Education, Home Study Assessment
An on-line charge for classes (3 sessions) of \$95.00
is due at time of signing in on-line to the provider

2. Guidance and Support
(Due when Home Study Assessment is complete.)

3. Placement Fees
(Due at the time of adoptive placement.)

\$1,500.00

\$2700.00

8% of gross income

(Min. of \$6,000/Max.

of \$15,000)

Total Adoption Fees \$4550.00 + 8% of gross income

If a religious based adoption agency goes out of business, with this type of revenue stream there will be a new agency to take its place or the current adoption agencies will be happy to fill the void and provide loving homes to a child.

The proponents have also claimed that religious based agencies help place children with special needs. In my 7 years as an adoption judge, I do not recall any religious based organizations being involved in a case with a special needs child. In my experience, those cases are typically cases handled by the Division of Children and Family Services.

The Division of Children and Family Services website states that there are 7,000 children in foster care. This proposed legislation is not in the best interest of those children as it presents barriers to finding a permanent loving home. The focus of any adoption law modifications should be focused solely on what is best for the children. What is best for children, is to find a forever family and this law will

make that more difficult. In my experience, individuals and couples from all over the country come to the state of Kansas to adopt children because they wish to provide a loving home. The fact of the matter is that individuals faced with an unplanned pregnancy are more inclined to consider adoption than those individuals in other parts of the country. I am concerned that if this bill becomes law there will be a chilling effect and those individuals and couples who may be inclined to consider adoption will not do so. The chilling effect will result in more children coming into the foster care system. The message that needs to be sent is that Kansas is open to all individuals and couples who wish to provide a loving home to children. This proposed legislation does not do so.